

REMARKS

The Examiner has required Applicants to elect a single disclosed species for each of the following groups under 35 U.S.C. §121:

- I. target molecules as follows: (1) DNA (including ssDNA), (2) RNA, (3) polypeptides, (4) aptamers, (5) metal ions
- II. types of catalytic RNAs as follows: (1) hairpin, (2) hammerhead
- III. location of the substrate as follows: (1) bound to the catalytic RNA, (2) not bound to the catalytic RNA, (3) autocatalytic (i.e. the substrate is the catalytic RNA)

Applicants hereby elect “DNA (including ssDNA)” as the species for prosecution on the merits for Group I. The claims readable on this species are claims 26 and 28. Applicants elect “hairpin” as the species for prosecution on the merits for Group II. The claim readable on this species is claim 32. Applicants elect “not bound to the catalytic RNA” as the species for prosecution on the merits for Group III. The claim readable on this species is claim 36.

Applicants note that upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species. Applicant requests that, upon the allowance of a generic claim, the remainder of the species be included as permitted by 37 C.F.R. § 1.141(a). Applicants expressly reserve their right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicants request examination of the elected subject matter on the merits.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 367592000100. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: December 6, 2001

By: *Will A. Jacobson*
Will A. Jacobson
Registration No. 40,030

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5876
Facsimile: (650) 494-0792